IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7732 OF 2005

Shri.Rajesh Thawani ...Applicant

Versus

Shri.Jayantilal Meghjibhai

Patel & Ors. ...Respondents

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Mr.A.H.H.Ponda i.b Mulla & Mulla & Craigie Blunt & Caroe for Applicant.

Ms.M.H.Mhatre, A.P.P. for Respondent No.2.

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CORAM: A.M.KHANWILKAR, J.

DECEMBER 5, 2005.

P.C.

1. As alternative efficacious remedy is available to the Applicant by way of revision in view of the decision of this Court in the case of **V.K.Jain & Ors. vs. Pratap V.Padode reported in 2005(3) Mh.L.J. 778**. Counsel for the Applicant fairly prays for withdrawal of this Application with liberty to take recourse to remedy of

revision. Hence, dismissed as withdrawn with liberty as prayed. All questions are left open.

2. The Applicant to file such Revision Application within four weeks from today. Till such time, no precipitative action be taken against the Applicant. Revision Application, if filed within four weeks from today, be considered on its own merits in accordance with law.

3. In case, there is any delay in filing Revision Application, Court will take into account the fact that the Applicant had first approached this Court, which period may be excused in computing delay.

4. Application disposed of on the above terms.

A.M.KHANWILKAR, J.